

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

Respondent,

v.

KELVON W. DOW,

Appellant.

DOCKET NUMBER WD73812 Consolidated with WD74049

Date: June 29, 2012

Appeal from:
Cooper County Circuit Court
The Honorable Robert L. Koffman, Judge

Appellate Judges:
Division Four: Lisa White Hardwick, Chief Judge, James E. Welsh and Cynthia L. Martin, Judges.

Attorneys:
Ellen H. Flottman, Columbia, MO, for appellant.
Jessica P. Meredith, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI

v.

KELVON W. DOW,

Respondent,

Appellant.

WD73812 Consolidated with WD74049

Cooper County

Before Division Four: Lisa White Hardwick, Chief Judge, James E. Welsh and Cynthia L. Martin, Judges.

Kelvon Dow appeals his convictions for possession of a controlled substance with intent to distribute, deliver, or sell and unlawful use of drug paraphernalia. Dow contends the circuit court erred in overruling his objection to the State's peremptory strike of an African-American venireperson. He also claims the court erred in overruling his motion to suppress and admitting evidence obtained from an allegedly unlawful search.

AFFIRMED.

Division Four holds:

(1) The circuit court did not err in overruling Dow's objection to the State's peremptory strike of an African-American venireperson. Dow failed to meet his burden of establishing that the State's explanation was a pretext for discrimination.

(2) The circuit court did not err in overruling Dow's motion to suppress and admitting evidence obtained from the search of the rental car he was driving. During the highway patrol officer's reasonable investigation of Dow's traffic violation, the officer became aware of specific and articulable facts which, considered in light of the officer's training and experience, gave rise to a reasonable suspicion that Dow was involved in criminal activity. Thus, the officer was justified in expanding the traffic stop to ask about the presence of illegal substances and to conduct a consent search of the car.

Opinion by: Lisa White Hardwick, Judge

June 29, 2012

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